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No. 13.

THE

ANTI-SLAVERY EXAMINER.

CAN

ABOLITIONISTS

VOTE OR TAKE OFFICE UNDER

THE

UNITED STATES

CONSTITUTION?

"The preservation, propagation, and perpetuation of slavery is the vital and animating spirit of the National Government." J. Q. Adams.

NEW YORK:
AMERICAN ANTI-SLAVERY SOCIETY,
142 Nassau Street.

1845.

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INTRODUCTION.

The American Anti-Slavery Society, at its Annual Meeting in May, 1844, adopted the following Resolution :

Resolved, That secession from the present United States government is the duty of every abolitionist ; since no one can take office, or throw a vote for another to hold office, under the United States Constitution, without violating his anti-slavery principles, and rendering himself an abettor of the slaveholder in his sin.

The passage of this Resolution has caused two charges to be brought against the Society : *First*, that it is a *no-government* body, and that the whole doctrine of non-resistance is endorsed by this vote :—and *secondly*, that the Society transcended its proper sphere and constitutional powers by taking such a step.

The logic which infers that because a man thinks the Federal Government bad, he must necessarily think *all* government so, has at least, the merit and the charm of novelty. There is a spice of arrogance just perceptible, in the conclusion that the Constitution of these United States is so perfect, that one who dislikes it could never be satisfied with any form of government whatever !

Were O'Connell and his fellow Catholics non-resistants, because for two hundred years they submitted to exclusion from the House of Lords and the House of Commons, rather than qualify them-

selves for a seat by an oath abjuring the Pope? Were the *non-juring* Bishops of England non-resistants, when they went down to the grave without taking their seats in the House of Lords, rather than take an oath denying the Stuarts and to support the House of Hanover? Both might have purchased power at the price of one annual falsehood. There are some in this country who do not seem to think that price at all unreasonable. It were a rare compliment indeed to the non-resistants, if every exhibition of rigid principle on the part of an individual is to make the world suspect him of leaning towards their faith.

The Society is not opposed to government, but only to *this* Government based upon and acting for slavery.

With regard to the second charge, of exceeding its proper limits and trespassing on the rights of the minority, it is enough to say, that the object of the American Anti-Slavery Society is the "entire abolition of slavery in the United States." Of course it is its duty to find out all the sources of pro-slavery influence in the land. It is its right, it is its duty to try every institution in the land, no matter how venerable, or sacred, by the touch-stone of anti-slavery principle; and if it finds any one false, to proclaim that fact to the world, with more or less of energy, according to its importance in society. It has tried the Constitution, and pronounced it unsound.

No member's conscience need be injured—The qualification for membership remains the same, "the belief that slave-holding is a heinous crime"—No new test has been set up—But the majority of the Society, for the time being, faithful to its duty of trying every institution by the light of the present day—of uttering its opinion on every passing event that touches the slave's welfare, has seen it to be duty to sound forth its warning,

No Union with Slaveholders.

No one who did not vote for the Resolution is responsible for it. No one is asked to quit our platform. We, the majority, only ask him to extend to our opinions the same toleration that we extend to him, and agreeing to differ on this point, work together where we can. We proscribe no man for difference of opinion.

It is said, that having refused in 1840, to say that a man *ought to vote*, on the ground that such a resolution would be tyrannical and intolerant, the Society is manifestly inconsistent now in taking upon itself to say that no abolitionist *can* consistently vote. But the inconsistency is only apparent and not real.

There may be a thousand reasons why a particular individual ought not to do an act, though the act be innocent in itself. It would be tyranny therefore in a society which can properly take notice of but one subject, slavery, to promulgate the doctrine that all its members ought to do any particular act, as for instance, to vote, to give money, to lecture, to petition, or the like. The particular circumstances and opinions of each one must regulate his actions. All we have a right to ask is, that he do for the slave's cause as much as he does for any other of equal importance. But when an act is wrong, it is no intolerance to say to the whole world that it ought *not to be done*. After the abolitionist has granted that slavery is wrong, we have the right to judge him by his own principles, and arraign him for inconsistency that, so believing, he helps the slaveholder by his oath.

The following pages have been hastily thrown together in explanation of the vote above recited. They make no pretension to a full argument of the topic. I hope that in a short time I shall get leisure sufficient to present to our opponents, unless some one does it for me, a full statement of the reasons which have led us to this step.

I am aware that we non-voters are rather singular. But history, from the earliest Christians downwards, is full of instances of men who refused all connection with government, and all the influence which office could bestow, rather than deny their principles, or aid in doing wrong. Yet I never heard them called either idiots or over-scrupulous. Sir Thomas More need never have mounted the scaffold, had he only consented to take the oath of supremacy. He had only to tell a lie with solemnity, as we are asked to do, and he might not only have saved his life, but, as the trimmers of his day would have told him, doubled his influence. Pitt resigned his place as Prime Minister of England, rather than break faith with the Catholics of Ireland. Should I not resign a petty ballot

rather than break faith with the slave? But I was specially glad to find a distinct recognition of the principle upon which we have acted, applied to a different point, in the life of that Patriarch of the Anti-Slavery enterprise, Granville Sharpe. It is in a late number of the Edinburgh Review. While an underclerk in the War Office, he sympathized with our fathers in their struggle for independence. "Orders reached his office to ship munitions of war to the revolted colonies. If his hand had entered the account of such a cargo, it would have contracted in his eyes the stain of innocent blood. To avoid this pollution, he resigned his place and his means of subsistence at a period of life when he could no longer hope to find any other lucrative employment." As the thoughtful clerk of the War Office takes his hat down from the peg where it has used to hang for twenty years, methinks I hear one of our opponents cry out, "Friend Sharpe, you are absurdly scrupulous." "You may innocently aid Government in doing wrong," adds another. While Liberty Party yelps at his heels, "My dear sir, you are quite losing your influence!" And indeed it is melancholy to reflect how, from that moment the mighty underclerk of the War Office (!) dwindled into the mere Granville Sharpe of history! the man of whom Mansfield and Hargrave were content to learn law, and Wilberforce, philanthropy.

One friend proposes to vote for men who shall be pledged not to take office unless the oath to the Constitution is dispensed with, and who shall then go on to perform in their offices only such duties as we, their constituents, approve. He cites, in support of his view, the election of O'Connell to the House of Commons, in 1828, I believe, just one year before the "Oath of Supremacy," which was the objectionable one to the Catholics, was dispensed with. Now, if we stood in the same circumstances as the Catholics did in 1828, the example would be in point. When the public mind is thoroughly revolutionized, and ready for the change, when the billow has reached its height and begins to crest into foam, then such a measure may bring matters to a crisis. But let us first go through, in patience, as O'Connell did, our twenty years of agitation. Waiving all other objections, this plan seems to me mere playing at politics, and an entire waste of effort.

It loses our high position as moral reformers ; it subjects us to all that malignant opposition and suspicion of motives which attend the array of parties ; and while thus closing up our access to the national conscience, it wastes in fruitless caucussing and party tactics, the time and the effort which should have been directed to efficient agitation.

The history of our Union is lesson enough, for every candid mind, of the fatal effects of every, the least, compromise with evil. The experience of the fifty years passed under it, shows us the slaves trebling in numbers ;—slaveholders monopolizing the offices and dictating the policy of the Government ;—prostituting the strength and influence of the Nation to the support of slavery here and elsewhere ;—trampling on the rights of the free States, and making the courts of the country their tools. To continue this disastrous alliance longer is madness. The trial of fifty years only proves that it is impossible for free and slave States to unite on any terms, without all becoming partners in the guilt and responsible for the sin of slavery. Why prolong the experiment ? Let every honest man join in the outcry of the American Anti-Slavery Society,

No Union with Slaveholders.

WENDELL PHILLIPS.

Boston, Jan. 15, 1845.

THE NO-VOTING THEORY.

"God never made a CITIZEN, and no one will escape as a man, from the sins which he commits as a citizen."

CAN an abolitionist consistently take office, or vote, under the Constitution of the United States?

1st. What is an abolitionist?

One who thinks slaveholding a sin in all circumstances, and desires its abolition. Of course such an one cannot consistently aid another in holding his slave;—in other words, I cannot innocently aid a man in doing that which I think wrong. No amount of fancied good will justify me in joining another in doing wrong, unless I adopt the principle "of doing evil that good may come."

2d. What do taking office and voting under the Constitution imply?

The President swears "to execute the office of president," and "to preserve, protect, and defend the Constitution of the United States." The judges "to discharge the duties incumbent upon them agreeably to the constitution and laws of the United States."

All executive, legislative, and judicial officers, both of the several States and of the General Government, before entering on the performance of their official duties, are bound to take an oath or affirmation, "*to support the Constitution of the United States.*" This is what every office-holder expressly *promises in so many words.* It is a contract between him and *the whole nation.* The voter, who, by voting, sends his fellow citizen into office as his representative, knowing beforehand that the taking of this oath is the

first duty his agent will have to perform, does by his vote, request and authorize him to take it. He therefore, by voting, impliedly engages to support the Constitution. What one does by his agent he does himself. Of course no honest man will authorize and request another to do an act which he thinks it wrong to do himself! Every voter, therefore, is bound to see, *before voting*, whether he could himself honestly swear to *support* the constitution. Now what does this oath of office-holders relate to and imply? "It applies," says Chief Justice Marshall, "in an especial manner, to their conduct in their official character." Judge Story, in his Commentaries on the Constitution, speaks of it as "a solemn obligation to the due execution of the trusts reposed in them, and to support the Constitution." It is universally considered throughout the country, by common men and by the courts, as a promise to do what the Constitution bids, and to avoid what it forbids. It was in the spirit of this oath, under which he spake, that Daniel Webster said in New York, "The Constitution gave it (slavery) SOLEMN GUARANTIES. To the full extent of these guaranties we are all bound by the Constitution. All the stipulations contained in the Constitution in favor of the slaveholding States ought to be fulfilled; and so far as depends on me, shall be fulfilled, in the fulness of their spirit and to the exactness of their letter."

It is more than an oath of allegiance; more than a mere promise that we will not resist the laws. For it is an engagement to "support them"; as an *officer* of government, to carry them into effect. Without such a promise on the part of its functionaries, how could government exist? It is more than the expression of that obligation which rests on all peaceable citizens to *submit* to laws, even though they will not actively *support* them. For it is the promise which the judge makes, that he will actually *do* the business of the courts; which the sheriff assumes, that he will actually *execute* the laws.

Let it be remarked, that it is an oath to support *the* Constitution—that is, *the whole of it*; there are no exceptions. And let it be remembered, that by it each *one* makes a contract with the whole *nation*, that he will do certain acts.

3d. What is the Constitution which each voter thus engages to support?

It contains the following clauses :

Art. 1, Sect. 2. Representatives and direct taxes shall be apportioned among the several States, which may be included within this Union, according to their respective numbers, which shall be determined by adding to the whole number of free persons, including those bound to service for a term of years, and excluding Indians not taxed, *three fifths of all other persons.*

Art. 1, Sect. 8. Congress shall have power . . . to suppress insurrections.

Art. 4, Sec. 2. No person, held to service or labor in one State, under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labor ; but shall be delivered up on claim of the party to whom such service or labor may be due.

Art. 4, Sect. 4. The United States shall guarantee to every State in this Union a republican form of government ; and shall protect each of them against invasion ; and, on application of the legislature, or of the executive, (when the legislature cannot be convened) *against domestic violence.*

The first of these clauses, relating to representation, gives to 10,000 inhabitants of Carolina equal weight in the government with 40,000 inhabitants of Massachusetts, provided they are rich enough to hold 50,000 slaves :—and accordingly confers on a slaveholding community additional political power for every slave held among them, thus tempting them to continue to uphold the system :

Its result has been, in the language of John Quincy Adams, "to make the preservation, propagation, and perpetuation of slavery the vital and animating spirit of the National Government ;" and again, to enable "a knot of slaveholders to give the law and prescribe the policy of the country." So that "since 1830 slavery, slaveholding, slavebreeding, and slavetrading have formed the whole foundation of the policy of the Federal Government." The second and the last articles relating to insurrection and domestic violence, perfectly innocent in themselves—yet being made with the fact directly in view that slavery exists among us, do deliberately pledge the whole national force against the unhappy slave if he imitate our fathers and resist oppression—thus making us partners in the guilt of sustaining slavery : the third is a promise, on the

part of the whole North, to return fugitive slaves to their masters; a deed which God's law expressly condemns, and which every noble feeling of our nature repudiates with loathing and contempt.

These are the clauses which the abolitionist, by voting or taking office, engages to uphold. While he considers slaveholding to be sin, he still rewards the master with additional political power for every additional slave that he can purchase. Thinking slaveholding to be sin, he pledges to the master the aid of the whole army and navy of the nation to reduce his slave again to chains, should he at any time succeed a moment in throwing them off. Thinking slaveholding to be sin, he goes on, year after year, appointing by his vote judges and marshals to aid in hunting up the fugitives, and seeing that they are delivered back to those who claim them! How beautifully consistent are his *principles* and his *promises!*

OBJECTIONS.

OBJECTION I.

Allowing that the clause relating to representation and that relating to insurrections are immoral, it is contended that the article which orders the return of fugitive slaves was not meant to apply to slaves, but has been misconstrued and misapplied!

Answer. The meaning of the other two clauses, settled as it has been by the unbroken practice and cheerful acquiescence of the Government and people, no one has attempted to deny. This also has the same length of practice, and the same acquiescence, to show that it relates to slaves. No one denies that the Government and Courts have so construed it, and that the great body of the people have freely concurred in and supported this construction. And further, "The Madison Papers" (containing the debates of those who framed the Constitution, at the time it was made) settle beyond all doubt what meaning the framers intended to convey.

Look at the following extracts from those Papers:

Tuesday, August 28th, 1787.

Mr. Butler and Mr. Pinckney moved to require "fugitive slaves and servants to be delivered up like criminals."

Mr. Wilson. This would oblige the Executive of the State to do it, at the public expense.

Mr. Sherman saw no more propriety in the public seizing and surrendering a slave or servant, than a horse.

Mr. Butler withdrew his proposition, in order that some particular provision might be made, apart from this article.

Article 15, as amended, was then agreed to, *nem. con.*—Madison papers, pp. 1447–8.

Wednesday, August 29, 1787.

Mr. Butler moved to insert after Article 15, "If any person bound to service or labor in any of the United States, shall escape into another State, he or she shall not be discharged from such service or labor, in consequence of any regulations subsisting in the State to which they escape, but shall be delivered up to the person justly claiming their service or labor,"—which was agreed to, *nem. con.*—p. 1456.

And again, after the wording of the above article had been slightly changed, and the clause newly numbered, as in the present Constitution, we find another statement most clearly showing to what subject the whole was intended to refer:

Saturday, September 15, 1787.

Article 4, Section 2, (the third paragraph,) the term "legally" was struck out; and the words, "under the laws thereof," inserted after the word "State," in compliance with the wish of some who thought the term *legal* equivocal, and favoring the idea that SLAVERY was legal in a moral view.—p. 1589.

Is it not hence evident that SLAVERY was the subject referred to by the whole article?

The debates of the Convention held in the several States to ratify the Constitution, at the same time show clearly what meaning it was thought the framers had conveyed:—In Virginia Mr. Madison said,

Another clause secures to us that property which we now possess. At present, if any slave elopes to any of those States where slaves are free, he becomes emancipated by their laws. For the laws of the States are uncharitable to one another in this respect. But in this Constitution, "no person held to service, or labor, in one State, under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labor; but shall be delivered up on claim of the party to whom such service or labor may be due." This clause was expressly inserted to enable owners of slaves to reclaim them. This is a better security than any that now exists.

Patrick Henry, in reply observed,

The clause which had been adduced by the gentleman was no more than this—that a runaway negro could be taken up in Maryland or New York.

Governor Randolph said,

But another clause of the Constitution proves the absurdity of the supposition. The words of the clause are, "No person held to service or labor in one State," &c. Every one knows that slaves are held to service and labor. If a citizen of this State, in consequence of this clause, can take his runaway slave in Maryland, &c

General Pinckney in South Carolina Convention observed,

"We have obtained a right to recover our slaves, in whatever part of America they may take refuge, which is a right we had not before."

In North Carolina, Mr. Iredell

Begged leave to explain the reason of this clause. In some of the Northern States, they have emancipated all their slaves. If any of our slaves, said he, go there and remain there a certain time, they would, by the present laws, be entitled to their freedom, so that their masters could not get them again. This would be extremely prejudicial to the inhabitants of the Southern States, and to prevent it, this clause is inserted in the Constitution. Though the word *slave* be not mentioned, this is the meaning of it. The Northern delegates, owing to their particular scruples on the subject of slavery, did not choose the word *slave* to be mentioned.

But even if TWO clauses are immoral that is enough for our purpose, and shews that no honest man should engage to uphold them. Who has the right to construe and expound the laws? Of course the Courts of the Nation. The Constitution provides (Article 3, Section 2,) that the Supreme Court shall be the final and only interpreter of its meaning. What says the Supreme Court? That this clause does relate to slaves, and order their return. All the other courts concur in this opinion. But, say some, the courts are corrupt on this question. Let us appeal to the people. Nine hundred and ninty-nine out of every thousand answer, that the courts have construed it rightly, and almost as many cheerfully support it. If the unanimous, concurrent, unbroken practice of every department of the Government, judicial, legislative, and executive, and the acquiescence of the people for fifty years, do not prove which is the true construction, then how and where can such a question ever be settled? If the people and the courts of the land do not know what they themselves mean, who has authority to settle their meaning for them?

If the Constitution is not what history, unbroken practice, and the courts prove that our fathers intended to make it, and what too, their descendants, this nation say they did make it, and agree to uphold,—who shall decide what the Constitution is?

This is the sense then in which the Nation understand that the promise is made to them. The Nation *understand* that the judge pledges himself to return fugitive slaves. The judge knows this when he takes the oath. And Paley expresses the opinion of all writers on morals, as well as the conviction of all honest men, when he says, "that a promise is binding in that sense in which the promiser thought at the time that the other party understood it."

OBJECTION II.

A promise to do an immoral act is not binding: therefore an oath to support the Constitution of the United States, does not bind one to support any provisions of that instrument which are repugnant to his ideas of right. And an abolitionist, thinking it wrong to return slaves, may as an office-holder, innocently and properly take an oath to support a Constitution which commands such return.

ANSWER. Observe that this objection allows the Constitution to be pro-slavery, and admits that there are clauses in it which no abolitionist ought to carry out or support.

And observe, further, that we all agree, that a bad promise is better broken than kept—that every abolitionist, who has before now taken the oath to the Constitution, is bound to break it, and disobey the pro-slavery clauses of that instrument. So far there is no difference between us. But the point in dispute now is, whether a man, having found out that certain requirements of the Constitution are wrong, can, after that, innocently swear to support and obey them, *all the while meaning not to do so.*

Now I contend that such loose construction of our promises is contrary alike to honor, to fair dealing, and to truthfulness—that it tends to destroy utterly that confidence between man and man which binds society together, and leads, in matters of government, to absolute tyranny.

The Constitution is a series of contracts made by each individual with every other of the fourteen millions. A man's oath is evidence of his assent to this contract. If I offer a man the copy of an agreement, and he, after reading, swears to perform it, have I not a right to infer from his oath that he assents to the

rightfulness of the articles of that paper? What more solemn form of expressing his assent could he select? A man's oath expresses his conviction of the rightfulness of the actions he promises to do, as well as his determination to do them. If this be not so, I can have no trust in any man's word. He may take my money, promise to do what I wish in return, and yet, keeping my money, tell me, on the morrow, that he shall not keep his promise, and never meant to, because the act, his conscience tells him, is wrong. Who would trust property to such men, or such maxims in the common affairs of life? Shall we not be as honest in the Senate House as on 'Change? The North makes a contract with the South by which she receives certain benefits, and agrees to render certain services. The benefits she carefully keeps—but the services she refuses to render, because immoral contracts are not binding! Is this fair dealing? It is the rule alike of law and common sense, that if we are not able, from *any cause*, to furnish the article we have agreed to, we ought to return the pay we have received. If power is put into our hands on certain conditions, and we find ourselves unable to comply with those conditions, we ought to surrender the power back to those who gave it.

Immoral laws are doubtless void, and should not be obeyed. But the question is here, whether one knowing a law to be immoral, may innocently promise to obey it in order to get into office? The people have settled the conditions on which one may take office. The first is, that he assent to their Constitution. Is it honest to accept power with the intention at the time of not keeping the conditions?—The rightfulness of those conditions is not here the question.

OBJECTION III.

I swear to support the Constitution, as *I understand it*. Certain parts of it, in my opinion, contradict others and are therefore void.

ANSWER. Will any one take the title deed of his house and carry it to the man he bought of, and let him keep the covenants of that paper as he says "he understands them?" Do we not all recognize the justice of having some third, disinterested party to

judge between two disputants about the meaning of contracts? Who ever heard of a contract of which each party was at liberty to keep as much as he thought proper?

As in all other contracts, so in that of the Constitution, there is a power provided to affix the proper construction to the instrument, and that construction both parties are bound to abide by, or repudiate the *whole* contract. That power is the Supreme Court of the United States.

Do we seek the common sense, practical view of this question? Go to the Exchange and ask any broker how many dollars he will trust any man with, who avows his right to make promises with the design, at the time, of breaking some parts, and not feeling called upon to state which those parts will be?

Do you seek the moral view of the point, which philosophers have taken? Paley says, "A promise is binding in that sense in which the promiser thought at the time of making that the other party understood it." Is there any doubt what meaning the great body of the American people attach to the Constitution and the official oath? They are that party to whom the promise is made.

But, say some, our lives are notice to the whole people what meaning we attach to the oath, and we will protest when we swear, that we do not include in our oath the pro-slavery clauses. You may as well utter the protest now, as when you are swearing—or at home, equally as well as within the State House. For no such protest can be of any avail. The Chief Justice stands up to administer to me the oath of some office, no matter which. "Sir," say I, "I must take that oath with a qualification, excluding certain clauses." His reply will be, "Sir, I have no discretion in this matter. I am here merely to administer a prescribed form of oath. If you assent to it, you are qualified for your station. If you do not, you cannot enter. I have no authority given me to listen to exceptions. I am a servant—the people are my masters—here is what they require that you support, not this or that part of the Constitution, but '*the Constitution*,' that is, the *whole*."

Baffled here, I turn to the people. I publish my opinions in newspapers. I proclaim them at conventions, I spread them through the country on the wings of a thousand presses. Does this avail me? Yes, says Liberty party, if after this, men choose

to vote for you, it is evident they mean you shall take the oath as you have given notice that you understand it.

Well, the voters in Boston, with this understanding, elect me to Congress, and I proceed to Washington. But here arises a difficulty,—my constituents at home have assented—but when I get to Congress, I find I am not the representative of Boston only, but of the whole country. The interests of Carolina are committed to my hands as well as those of Massachusetts; I find that the contract I made by my oath was not with Boston, but with the whole nation. It is the *nation* that gives me the power to declare war and make peace—to lay taxes on cotton, and control the commerce of New Orleans. The nation prescribed the conditions in 1789, when the Constitution was settled, and though Boston may be willing to accept me on other terms, Carolina is not willing. Boston has accepted my protest, and says, "Take office." Carolina says, "The oath you swear is sworn to me, as well as to the rest—I demand the whole bond." In other words, when I have made my protest, what evidence is there that *the nation*, the other party to the contract, assents to it? There can be none until that nation amends its Constitution. Massachusetts when she accepted that Constitution, bound herself to send only such men as could swear to return slaves. If by an underhand compromise with some of her citizens, she sends persons of other sentiments, she is perjured, and any one who goes on such an errand is a partner in the perjury. Massachusetts has no right to assent to my protest—she has no right to send representatives, except on certain conditions. She cannot vary those conditions, without leave from those whose interests are to be affected by the change, that is, the whole nation. Those conditions are written down in the Constitution. Do she and South Carolina differ, as to the meaning? The Court will decide for them.

But, says the objector, do you mean to say that I swear to support the Constitution, not as I understand it, but as some judge understands it? Yes, I do—otherwise there is no such thing as law. This right of private judgment, for which he contends, exists in religion—but not in Government. Law is a rule *prescribed*. The party prescribing must have the right to construe his own rule, otherwise there would be as many laws as there are individ-

ual consciences. Statutes would be but recommendations if every man was at liberty to understand and obey them as he thought proper. But I need not argue this. The absurdity of a Government that has no right to govern—and of laws which have no fixed meaning—but which each man construes to mean what he pleases and obeys accordingly—must be evident to every one.

What more power did the most despotic of the English Stuarts ask, than the right, after having sworn to laws, to break such as their consciences disapproved? It is the essence of tyranny.

What is the Constitution of the United States? In good old fashioned times we thought we knew, when we had read it and listened to the court's exposition. But we have improved upon that. The Liberty party man says, it is for him "what he understands it." John C. Calhoun, of course, has the same right, and instead of "Liberty regulated by law," we have liberty regulated by fourteen millions of understandings!

The Liberty party man takes office on conditions, which, he says, are not binding upon him. He gives us notice that he shall use the power as he thinks right, without any regard to these conditions of his oath. Well, if this is law, it is good for all. John C. Calhoun can of course take office with the same broad liberty, and swear to support the Constitution "as *he* understands it." He has told us often what that "understanding" is—"to sustain Slavery." Of course having made this public, if, after that, Carolina sends him, according to Liberty party logic, it is evidence that Massachusetts assents to his "understanding," and accepts his oath with that meaning! Why I thought I had fathomed the pro-slavery depths of the Constitution when I read over all its wicked clauses—but that is skimming only the surface, if the Constitution allows every man, to whom it commits power to use it, as he chooses to "understand" the conditions, and not as the nation understands them. If with this right, Abolitionists may take office and help Liberty, we must remember that by the same rule, slaveholders may take office and lawfully use all their power to help Slavery. If this be so, how absurd to keep crying out of this and the other thing it is "unconstitutional."

Away with such logic! If we have a Constitution, let us remember Jefferson's advice, and not make it "waste paper by

construction." The man who tampers thus with the sacred obligation of an oath,—swears, and Jesuit like, keeps "reserved meanings" in his own breast,—does more harm to society by loosening the foundations of morals, than he would do good, did his one falsehood free every slave from the Potomac to the Del Norte.

OBJECTION IV.

"The oath does not mean that I will positively do what I swear to do, but only that I will do it, *or submit* to the penalty the law awards. If my actions in office don't suit the nation, let them impeach me."

ANSWER. That is, John Tyler may, without consulting Congress, plunge us into war with Mexico—incur fifty millions of public debt—lose a hundred thousand lives—and the *sufficient recompense* to this nation will be to impeach John Tyler, Esq., and send him home to his slaves! These are the wise safeguards of Constitutional liberty! He has faithfully kept it "as he understands it." What is a Russian slave? One who holds life, property, and all, at the mercy of the Czar's idea of right. Does not this description of the power every officer has here, under our Constitution, reduce Americans to the same condition?

But, is it true that the bearing of the penalty is an excuse for breach of our official oaths?

The Judge who, in questions of divorce, has trifled with the sanctity of the marriage tie—who, in matters of property has decided unjustly, and taken bribes—in capital cases has so dealt judgment as to send innocent men to the gallows—may cry out, "If you don't like me, impeach me." But will impeachment restore the dead to life, or the husband to his defamed wife? Would the community consider his submission to impeachment as equivalent to the keeping of his oath of office, and thenceforward view him as an honest, truth-speaking, unperjured man? It is idle to suppose so. Yet the interests committed to some of our officeholders' keeping, are more important often than even those which a Judge controls. And we must remember that men's ideas of right always differ. To admit such a principle into the construction of oaths, if it enable one man to do much good, will enable scoundrels who creep

into office to do much harm, "according to *their* consciences." But yet the rule, if it be admitted, must be universal. Liberty becomes, then, matter of accident.

OBJECTION V.

I shall resign whenever a case occurs that requires me to aid in returning a fugitive slave.

ANSWER. "The office-holder has promised active obedience to the Constitution in every exigency which it has contemplated and sought to provide for. If he promised, not meaning to perform in certain cases, is he not doubly dishonest? dishonest to his own conscience in promising to do wrong, and to his fellow-citizens in purposing from the first to break his oath, as he knew they understood it? If he had sworn, not regarding anything as immoral which he bound himself to do, and afterwards found in the oath something against his conscience of which he was not at first aware, or if by change of views he had come to deem sinful what before he thought right, then doubtless, by promptly resigning, he might escape guilt. But is not the case different, when among the acts promised are some known at the time to be morally wrong? 'It is a sin to swear unto sin,' says the poet, although it be, as he truly adds, 'a greater sin to keep the sinful oath.'"

The captain has no right to put to sea, and resign when the storm comes. Besides what supports a wicked government more than good men taking office under it, even though they secretly determine not to carry out all its provisions? The slave balancing in his lonely hovel the chance of escape, knows nothing of your secret reservations, your future intentions. He sees only the swarming millions at the North ostensibly sworn to restore him to his master, if he escape a little way. Perchance it is your false oath, which you don't mean to keep, that makes him turn from the attempt in despair. He knows you only—the world knows only by your *actions*, not your *intentions*, and those side with his master. The prayer which he lifts to Heaven, in his despair, numbers you rightly among his oppressors.

OBJECTION VI.

I shall only take such an office as brings me into no connection with slavery.

ANSWER. Government is a whole ; unless each in his circle aids his next neighbor, the machine will stand still. The Senator does not himself return the fugitive slave, but he appoints the Marshal, whose duty it is to do so. The State representative does not himself appoint the Judge who signs the warrant for the slave's recapture, but he chooses the United States Senator who does appoint that Judge. The elector does not himself order out the militia to resist "domestic violence," but he elects the President, whose duty requires, that a case occurring, he should do so.

To suppose that each of these may do that part of his duty that suits him, and leave the rest undone, is *practical anarchy*. It is bringing ourselves precisely to that state which the Hebrew describes. "In those days there was no king in Israel, but each man did what was right in his own eyes.' This is all consistent in us, who hold that man is to do right, even if anarchy follows. How absurd to set up such a scheme, and miscall it a *government*,— where nobody governs, but everybody does as he pleases.

OBJECTION VII.

As men and all their works are imperfect, we may innocently "support a Government which, along with many blessings, assists in the perpetration of some wrong."

ANSWER. As nobody disputes that we may rightly assist the worst Government in doing good, provided we can do so without at the same time aiding it in the wrong it perpetrates, this must mean, of course, that it is right to aid and obey a Government *in doing wrong*, if we think that, on the whole, the Government effects more good than harm. Otherwise the whole argument is irrelevant, for this is the point in dispute ; since every office of any consequence under the United States Constitution has some immediate connection with Slavery. Let us see to what lengths this principle will carry one. Herod's servants, then, were right in slaying every child in Bethlehem, from two years old and under,

provided they thought Herod's Government, on the whole, more a blessing than a curse to Judea! The soldiers of Charles II. were justified in shooting the Covenanters on the muirs of Scotland, if they thought his rule was better, on the whole, for England, than anarchy! According to this theory, the moment the magic wand of Government touches our vices, they start up into virtues! But has Government any peculiar character or privilege in this respect? Oh, no—Government is only an association of individuals, and the same rules of morality which govern my conduct in relation to a thousand men, ought to regulate my conduct to any one. Therefore, I may innocently aid a man in doing wrong, if I think that, on the whole, he has more virtues than vices. If he gives bread to the hungry six days in the week, I may rightly help him, on the seventh, in forging bank notes, or murdering his father! The principle goes this length, and every length, or it cannot be proved to exist at all. It ends at last, practically, in the old maxim, that the subject and the soldier have no right to keep any conscience, but have only to obey the rulers they serve: for there are few, if any, Governments this side of Satan's, which could not, in some sense, be said to do more good than harm. Now I candidly confess, that I had rather be covered all over with inconsistencies, in the struggle to keep my hands clean, than settle quietly down on such a principle as this. It is supposing that we may—

"To do a great right, do a little wrong;"

a rule, which the master poet of human nature has rebuked. It is doing evil that good may come—a doctrine, of which an Apostle has pronounced the condemnation.

And let it be remembered that in dealing with the question of slavery, we are not dealing with extreme cases. Slavery is no minute evil which lynx-eyed suspicion has ferreted out. Every sixth man is a slave. The ermine of justice is stained. The national banner clings to the flag-staff heavy with blood. "The preservation of slavery," says our oldest and ablest statesman, "is the vital and animating *spirit* of the National Government."

Surely IF it be true that a man may justifiably stand connected with a government in which he sees some slight evils—still it is

also true, even then, that governments *may* sin so atrociously, so enormously, may make evil so much the *purpose* of their being, as to render it the duty of honest men to wash their hands of them.

I may give money to a friend whose life has some things in it which I do not fully approve—but when his nights are passed in the brothel, and his days in drunkenness, when he uses his talents to seduce others, and his gold to pave their road to ruin, surely the case is changed.

I may perhaps sacrifice health by staying awhile in a room rather overheated, but I shall certainly see it to be my duty to rush out, when the whole house is in full blaze.

OBJECTION VIII.

God intended that society and governments should exist. We therefore are bound to support them. He has conferred upon us the rights of citizenship in this country, and we cannot escape from the responsibility of exercising them. God made us *citizens*.

ANSWER. This reminds me of an old story I have heard. When the Legislature were asked to set off a portion of the town of Dorchester and call it South Boston, the old minister of the town is said to have objected, saying, "God made it Dorchester, and Dorchester it ought to be."

God made us social beings, it is true, but *society* is not necessarily the Constitution of the United States! Because God meant some form of government should exist, does not at all prove that we are justified in supporting a wicked one. Man confers the rights and regulates the duties of citizenship. God never made a *citizen*, and no one will escape, as a man, from the sins he commits as a citizen. This is the first time that it has ever been held an excuse for sin that we "went with the multitude to do evil!"

Certainly we can be under no *such* responsibility to become and remain *citizens*, as will excuse us from the sinful acts which as such citizens we are called to commit. Does God make obligatory on his creature the support of institutions which require him to do acts in themselves wrong? To suppose so, were to confound all the rules of God's moral kingdom.

President Wayland has lately been illustrating, and giving his

testimony to the principle, that a combination of men cannot change the moral character of an act, which is in itself sinful—that the law of morals is binding the same on communities, corporations, &c. as on individuals.

After describing slavery, and saying that to hold a man in such a state is wrong—he goes on:

"I will offer but one more supposition. Suppose that any number, for instance one half of the families in our neighborhood, should by law enact that the weaker half should be slaves, that we would exercise over them the authority of masters, prohibit by law their instruction, and concert among ourselves means for holding them permanently in their present situation. In what manner would this alter the moral aspect of the case?

A law in this case is merely a determination of one party, in which all unite, to hold the other party in bondage; and a compact by which the whole party bind themselves to assist every individual of themselves to subdue all resistance from the other party, and guaranteeing to each other that exercise of this power over the weaker party which they now possess.

Now I cannot see that this in any respect changes the nature of the parties. They remain, as before, human beings, possessing the same intellectual and moral nature, holding the same relations to each other and to God, and still under the same unchangeable law, Thou shalt love thy neighbor as thyself. By the act of holding a man in bondage, this law is violated. Wrong is done, moral evil is committed. In the former case it was done by the individual; now it is done by the individual and the society. Before, the individual was responsible only for his own wrong; now he is responsible both for his own, and also, as a member of the society, for all the wrong which the society binds itself to uphold and render perpetual.

The Scriptures frequently allude to the fact, that wrong done by law, that is by society, is amenable to the same retribution as wrong done by the individual. Thus, Psalm 94: 20—23. 'Shall the throne of iniquity have fellowship with them which frame mischief by a law, and gather themselves together against the soul of the righteous, and condemn the innocent blood? But the Lord is my defence; and my God is the rock of my refuge. And he shall bring upon them their own iniquity, and shall cut them off in their own wickedness; yea, the Lord our God shall cut them off.' So also Isaiah 10: 1—4. 'Wo unto them that decree unrighteous decrees, and that write grievousness which they have prescribed,' &c. Besides, persecution for the sake of religious opinion is always perpetrated by law; but this in no manner affects its moral character.

There is, however, one point of difference, which arises from the fact that this wrong has been established by law. It becomes a social wrong. The individual, or those who preceded him, may have surrendered their individual right over it to the society. In this case it may happen that the individual cannot act as he might act, if the law had not been made. In this case the evil can only be eradicated by changing the opinions of the society, and inducing them to abolish the law. It will however be apparent that this, as I said before, does not change the relation of the parties either to each other or to God. The wrong exists as before. The individual act is wrong. The law which protects it is wrong. The whole society, in putting the law into execution, is wrong. Before, only the in-

dividual, now, the whole society, becomes the wrong doer, and for that wrong, both the individuals and the society are held responsible in the sight of God."

If such "individual act is wrong," the man who knowingly does it is surely a sinner. Does God, through society, require men to sin?

OBJECTION IX.

If not being non-resistants, we concede to mankind the right to frame Governments, which must, from the very nature of man, be more or less evil, the right or duty to support them, when framed, necessarily follows.

ANSWER. I do not think it follows at all. Mankind, that is, any number of them, have a right to set up such forms of worship as they see fit, but when they have done so, does it necessarily follow that I am in duty bound to support any one of them, whether I approve it or not? Government is precisely like any other voluntary association of individuals—a temperance or anti-slavery society, a bank or railroad corporation. I join it, or not, as duty dictates. If a temperance society exists in the village where I am, that love for my race which bids me seek its highest good, commands me to join it. So if a Government is formed in the land where I live, the same feeling bids me to support it, if I innocently can. This is the whole length of my duty to Government. From the necessity of the case, and that constitution of things which God has ordained, it follows that in any specified district, the majority must rule—hence results the duty of the minority to submit. But we must carefully preserve the distinction between *submission* and *obedience*—between *submission* and *support*. If the majority set up an immoral Government, I obey those laws which seem to me good, because they are good—and I submit to all the penalties which my disobedience of the rest brings on me. This is alike the dictate of common sense, and the command of Christianity. And it must be the true doctrine, since any other obliges me to obey the majority if they command me to commit murder, a rule which even the tory Blackstone has denied. Of course for me to do anything I deem wrong, is the same, in quality, as to commit murder.

OBJECTION X.

But it is said, your theory results in good men leaving government to the dishonest and wicked.

Answer. Well, if to sustain government we must sacrifice honesty, government could not be in a more appropriate place, than in the hands of dishonest men.

But it by no means follows, that if I go out of government, I leave nothing but dishonest men behind. An act may be sin to me, which another may sincerely think right—and if so, let him do it, till he changes his mind. I leave government in the hands of those whom I do not think as clear-sighted as myself, but not necessarily in the hands of the dishonest. Whether it be so in this country now, is not, at present, the question, but whether it would be so necessarily, in all cases. The real question is, what is the duty of those who presume to think that God has given them clearer views of duty than the bulk of those among whom they live?

Don't think us conceited in supposing ourselves a little more enlightened than our neighbors. It is no great thing after all to be a little better than a lynching—mobocratic—slaveholding—debt-repudiating community.

What then is the duty of such men? Doubtless to do all they can to extend to others the light they enjoy.

Will they best do so by compromising their principles? by letting their political life give the lie to their life of reform? Who will have the most influence, he whose life is consistent, or he who says one thing to-day, and swears another thing to-morrow—who looks one way and rows another? My object is to let men *understand me*, and I submit that the body of the Roman people understood better, and felt more earnestly, the struggle between the people and the princes, when the little band of democrats *left the city* and encamped on *Mons Sacer*, *outside*, than while they remained mixed up and voting with their masters, shoulder to shoulder. *Dissolution* is our *Mons Sacer*—God grant that it may become equally famous in the world's history as the spot where the right triumphed.

It is foolish to suppose that the position of such men, divested of the glare of official distinction, has no weight with the people. If it were so, I am still bound to remember that I was not sent into the world *to have influence*, but to do my duty according to my own conscience. But it is not so. People do know an honest man when they see him. (I allow that this is so rare an event now-a-days, as almost to justify one in supposing they might have forgotten how he looked.) They will give a man credit, when his life is one manly testimony to the truthfulness of his lips. Even Liberty party, blind as she is, has light enough to see that "Consistency is the jewel, the everything of such a cause as ours." The position of a non-voter, in a land where the ballot is so much idolized, kindles in every beholder's bosom something of the warm sympathy which waits on the persecuted, carries with it all the weight of a disinterested testimony to truth, and pricks each voter's conscience with an uneasy doubt, whether after all voting *is* right. There is constantly a Mordecai in the gate.

I admit that we should strive to have a *political* influence—for with politics is bound up much of the welfare of the people. But this objection supposes that the ballot box is the *only* means of political influence. Now it is a good thing that every man should have the right to vote. But it is by no means necessary that every man should actually vote, in order to influence his times. We by no means necessarily desert our social duty when we refuse to take office, or to confer it. Lafayette did better service to the cause of French liberty when he retired to Lagrange and refused to acknowledge Napoleon, than he could have done had he stood, for years, at the tyrant's right hand. From the silence of that chamber there went forth a voice—from the darkness of that retreat there burst forth a light; feeble indeed at first, like the struggling beams of the morning, but destined like them to brighten into perfect day.

This objection, that we non-voters shall lose all our influence, confounds the broad distinction between *influence* and *power*. *Influence* every honest man must and will have, in exact proportion to his honesty and ability. God always annexes influence to worth. The world, however unwilling, can never get free from the influence of such a man. This influence the possession of office cannot give, nor the want of it take away. For the exer-

cise of such influence as this, man is responsible. *Power* we buy of our fellow men at a certain price. Before making the bargain it is our duty to see that we do not pay "too dear for our whistle." He who buys it at the price of truth and honor, buys only weakness—and sins beside.

Of those who go to the utmost verge of honesty in order to reach the seats of worldly power, and barter a pure conscience for a weighty name, it may be well said with old Fuller, "They need to have steady heads who can dive into these gulfs of policy, and come out with a safe conscience."

OBJECTION XI.

This withdrawing from government is pharisaical—"Shall we, 'weak, sinful men,'" one says, "perhaps even more sinful than the slaveholder, cry out, No Union with Slaveholders?" Such a course is wanting in brotherly kindness.

Answer. Because we refuse to aid a wrong-doer in his sin, we by no means proclaim, or assume, that we think our *whole character* better than his. It is neither pharisaical to have opinions, nor presumptuous to guide our lives by them. If I have joined with others in doing wrong, is it either presumptuous or unkind, when my eyes are opened, to refuse to go any further with them in their career of guilt? Does love to the thief require me to help him in stealing? Yet this is all we refuse to do. We will extend to the slaveholder all the courtesy he will allow. If he is hungry, we will feed him; if he is in want, both hands shall be stretched out for his aid. We will give him full credit for all the good that he does, and our deep sympathy in all the temptations under whose strength he falls. But to help him in his sin, to remain partners with him in the slave-trade, is more than he has a right to ask. He would be a strange preacher who should set out to reform his circle by joining in all their sins! It is a principle similar to that which the tipsy Duke of Norfolk acted on, when seeing a drunken friend in the gutter, he cried out, "My dear fellow, I can't help you out, but I'll do better, I'll lie down by your side."

OBJECTION XII.

But consider, the abstaining from all share in Government will leave bad men to have everything their own way—admit Texas—extend slavery, &c. &c.

ANSWER. That is no matter of mine. God, the great conservative power of the Universe, when he established the right, saw to it that it should always be the safest and best. He never laid upon a poor finite worm the staggering load of following out into infinity the complex results of his actions. We may rest on the bosom of Infinite Wisdom, confident that it is enough for us to do justice, he will see to it that happiness results.

OBJECTION XIII.

But the same conscientious objection against promising your support to government, ought to lead you to avoid actually giving your support to it by paying taxes or sueing in the courts.

ANSWER. This is what logicians call a *reductio ad absurdum:* an attempt to prove our principle unsound by showing that, fairly carried out, it leads to an absurdity. But granting all it asks, it does not saddle us with any absurdity at all. It is perfectly possible to live without petitioning, sueing, or holding stocks. Thousands in this country have lived, died, and been buried, without doing either. And does it load us with any absurdity to prove that we shall be obliged to do from principle, what the majority of our fellow-citizens do from choice? We lawyers may think it is an absurdity to say a man can't sue, for, like the Apostle at Ephesus, it touches our "craft," but that don't go far to prove it. Then, as to taxes, doubtless many cases might be imagined, when every one would allow it to be our duty to resist the slightest taxation, did Christianity allow it, with "war to the hilt." If such cases may ever arise, why may not this be one?

Until I become an Irishman, no one will ever convince me that I ought to vote, by proving that I ought not to pay taxes!

Suppose all these difficulties do really encompass us, it will not be the first time that the doing of one moral duty has revealed a dozen others which we never thought of. The child has climbed the hill over his native village, which he thought the end of the world, and lo! there are mountains beyond! He won't remedy the matter by creeping back to his cradle and disbelieving in mountains!

But then, is there any such inconsistency in non-voters sueing and paying taxes?

Look at it. A. and B. have agreed on certain laws, and appointed C. to execute them. A. owes me, who am no party to the contract, a just debt, which his laws oblige him to pay. Do I acknowledge the rightfulness of his relation to B. and C. by asking C. to use the power given him, in my behalf? It appears to me that I do not. I may surely ask A. to pay me my debt—why not then ask the keeper, whom he has appointed over himself, to make him do so?

I am a prisoner among pirates. The mate is abusing me in some way contrary to their laws. Do I recognize the rightfulness of the Captain's authority, by asking him to use the power the mate has consented to give him, to protect me? It seems to me that I do not necessarily endorse the means by which a man has acquired money or power, when I ask him to use either in my behalf.

An alien does not recognize the rightfulness of a government by living under it. It has always been held that an English subject may swear allegiance to an usurper and yet not be guilty of treason to the true king. Because he may innocently acknowledge the king *de facto* (the king *in deed*,) without assuming him to be king *de jure* (king *by right*.) The distinction itself is as old as the time of Edward the First. The principle is equally applicable to suits. It has been universally acted on and allowed. The Catholic, who shrank from acknowledging the heretical Government of England, always, I believe, sued in her courts.

Who could convince a common man, that by sueing in Constantinople or Timbuctoo, he does an act which makes him responsible for the character of those governments?

Then, as for taxes. It is only our voluntary acts for which we

are responsible. And when did government ever trust tax-paying to the voluntary good will of its subjects? When it does so, I, for one, will refuse to pay.

When did any sane man conclude that our Saviour's voluntary payment of a tax acknowledged the rightfulness of Rome's authority over Judea?

"The States," says Chief Justice Marshall, "have only not to elect Senators, and this government expires without a struggle."

Every November, then, we *create* the government anew. Now, what "instinct" will tell a common-sense man, that the act of a *sovereign*,—voting—which creates a wicked government, is, *essentially* the same as the submission of a *subject*,—tax-paying,—an act done without our consent. It should be remembered, that we vote as *sovereigns*,—we pay taxes as *subjects*. Who supposes that the humble tax-payer of Austria, who does not, perhaps, know in what name the charter of his bondage runs, is responsible for the doings of Metternich? And what sane man likens his position to that of the voting sovereign of the United States? My innocent acts may, through others' malice, result in evil. In that case, it will be for my best judgment to determine whether to continue or cease them. They are not thereby rendered essentially sinful. For instance, I walk out on Sabbath morning. The priest over the way will exclaim, "Sabbath-breaker," and the infidel will delude his followers, by telling them I have no regard for Christianity. Still, it will be for me to settle which, in present circumstances, is best,—to remain in, and not be misconstrued, or to go out and bear a testimony against the superstitious keeping of the day. Different circumstances will dictate different action on such a point.

I may often be the *occasion* of evil when I am not responsible for it. Many innocent acts *occasion* evil, and in such case all I am bound to ask myself before doing such *innocent act*, is, "Shall I occasion, on the whole, more harm or good." There are many cases where doing a duty even, we shall occasion evil and sin in others. To save a slaveholder from drowning, when we know he has made a will freeing his slaves, would put off, perhaps forever, their emancipation, but of course that is not my fault. This making a man responsible for all the evil his acts, *incidentally*, without

his will, occasion, reminds me of that principle of Turkish law which Dr. Clarke mentions, in his travels, and which they call "homicide by an intermediate cause." The case he relates is this: A young man in love poisoned himself, because the girl's father refused his consent to the marriage. The Cadi sentenced the father to pay a fine of $80, saying "if you had not had a daughter, this young man had not loved; if he had not loved, he had never been disappointed; if not disappointed, he would never have taken poison." It was the same Cadi possibly, who sentenced the island of Samos to pay for the wrecking of a vessel, on the principle that "if the island had not been in the way, the vessel would never have been wrecked!"

Then of taxes on imports. Buying and selling, and carrying from country to country, is good and innocent. But government, if I trade here, will take occasion to squeeze money out of me. Very well. I shall deliberate whether I will cease trading, and deprive them of the opportunity, or go on and use my wealth to reform them. 'Tis a question of expediency, not of right, which my judgment, not my conscience, must settle. An act of mine, innocent in itself, and done from right motives, no after act of another's can make a sin. To import, is rightful. After-taxation, against my consent, cannot make it wrong. Neither am I obliged to smuggle, in order to avoid it. I include in these remarks, all taxes, whether on property, or imports, or railroads.

A chemist, hundreds of years ago, finds out how to temper steel. The art is useful for making knives, lancets, and machinery. But he knows that the bad will abuse it by making swords and daggers. Is he responsible? Certainly not.

Similar to this is trading in America,—knowing government will thus have an opportunity to increase its revenue.

But suppose the chemist to see two men fighting, one has the other down,—to the first our chemist presents a finely tempered dagger.

Such is voting under the United States Constitution—appointing an officer to help the oppressor.

The difference between voting and tax-paying is simply this: I may do an act right in itself, though I know some evil will result. Paul was bound to preach the gospel to the Jews, though

he knew some of them would thereby be led to add to their sins by cursing and mobbing him.

So I may locate property in Philadelphia, trade there, and ride on its railroads, though I know government will, without my consent, thereby enrich itself. Other things being equal, of course I shall not allow it the opportunity. But the advantages and good results of my doing so, *may be* such as would make it my duty there to live and trade, even subject to such an evil.

But on the other hand, I may not do an act wrong in itself to secure any amount of fancied good.

Now, appointing a man by my vote to a pro-slavery office, (and such is every one under the United States Constitution,) is wrong in itself, and no other good deeds which such officer may do, will justify an abolitionist in so appointing him.

Let it not be said, that this reasoning will apply to voting—that voting is the right of every human being, (which I grant only for the sake of argument,) and innocent in itself.

Voting *under our Constitution* is appointing a man to swear to protect, and actually to protect slavery. Now, appointing agents generally is the right of every man, and innocent in itself, but appointing an agent to commit a murder is sin.

I trade, and government taxes me ; do I authorize it ? No.

I vote, and the marshal whom my agent appoints, returns a slave to South Carolina. Do I authorize it ? *Yes.* I knew it would be his *sworn duty*, when I voted ; and I assented to it, by voting under the Constitution which makes it his duty. If I trade, it is said, I may foresee that government will be helped by the taxes I pay, therefore I ought not to trade. But I do not trade *for the purpose* of paying taxes ! And if I am to be charged with all the foreseen results of my actions, then Garrison is responsible for the Boston mob !

The reason why I am responsible for the pro-slavery act of a United States officer, for whom I have voted, is this : I must be supposed to have *intended* that which my agent is *bound* by his contract with me (that is, his oath of office) to do.

Allow me to request our opposers to keep distinctly in view the precise point in debate. This is not whether Massachusetts can rightfully trade and make treaties with South Carolina, although

she knows that such a course will result in strengthening a wrong-doer. Such are most of the cases which they consider parallel to ours, and for permitting which they charge us with inconsistency. But the question really is, whether Massachusetts can join hands and strength with South Carolina, for the express and avowed purpose of sustaining Slavery. This she does in the Constitution. For he who swears to support an instrument of twelve clauses, swears to support one as well as another,—and though one only be immoral,—still he swears to do an immoral act. Now, my conviction is, "which fire will not burn out of me," that to return fugitive slaves is sin—to promise so to do, and not do it, is, if possible, baser still; and that any conjunction of circumstances which makes either necessary, is of the Devil, and not of God.

OBJECTION XIV.

Duty requires of a non-voter to quit the country, and go where his taxes will not help to build up slavery.

ANSWER. God gave me my birth here. Because bad men about me "play such tricks before high Heaven, as make the angels weep," does it oblige me to quit? I have as good right here as they. If they choose to leave, let them—I shall remain. 'Twould be a pretty thing, indeed, if, as often as I found myself next door to a bad man, who would bring up his children to steal my apples and break my windows, I were obliged to take the temptation away by cutting down all my apple trees and moving my house further west, into the wilderness. This would be, in good John Wesley's phrase, "giving up all the good tunes to the devil," with a witness.

OBJECTION XV.

"Society has the right to prescribe the terms, upon the expressed or implied agreement to comply with which a person may reside within its limits."

ANSWER. This principle I utterly deny. All that Society has a right to demand is peaceful submission to its exactions:—

consent they have neither the power nor the right to exact or to imply. Twenty men live on a lone island. Nineteen set up a government and say, every man who lives there shall worship idols. The twentieth submits to all their laws, but refuses to commit idolatry. Have they the *right* to say, "Do so, or quit;" or, to say, "If you stay, we will consider you as impliedly worshipping idols?" Doubtless they have the *power*, but the majority have no *rights*, except those which justice sanctions. Will the objector show me the justice of his principle? I was born here. I ask no man's permission to remain. All that any man or body of men have a right to infer from my staying here, is that, in doing this *innocent act*, I think, that on the whole, I am effecting more good than harm. Lawyers say, I cannot find this right laid down in the books. That will not trouble me. Some old play has a character in it who never ties his neckcloth without a warrant from Mr. Justice Overdo. I claim no relationship to that very scrupulous individual.

OBJECTION XVI.

These clauses, to which you refer, are inconsistent with the Preamble of the Constitution, which describes it as made "to establish justice" and "secure the blessings of liberty to ourselves and our posterity:" And as, when two clauses of the same instrument are inconsistent, one must yield and be held void—we hold these three clauses void.

ANSWER. A *specific* clause is not to be held void on account of general terms, such as those of the preamble. It is rather to be taken as an exception, allowed and admitted at the time, to those general terms.

Again. You say they are inconsistent. But the Courts and the People do not think so. Now they, being the majority, settle the law. The question then is, whether the law being settled,—and according to your belief settled immorally,—you will *volunteer* your services to execute it and carry it into effect? This you do by becoming an officeholder. It seems to me this question can receive but one answer from honest men.

LAST OF ALL, THE OBJECTOR CRIES OUT,

The Constitution may be *amended*, and I shall vote to have it changed.

Answer. But at present it is necessary to swear to support it *as it is*. What the Constitution may become, a century hence, we know not; we speak of it *as it is*, and repudiate it *as it is*. How long may one promise to do evil, in hope some time or other to get the power to do good? We will not brand the Constitution of the United States as pro-slavery, after—it had ceased to be so! This objection reminds me of Miss Martineau's story of the little boy, who hurt himself, and sat crying on the sidewalk. "Don't cry!" said a friend, "it won't hurt you tomorrow."—"Well then," said the child, "I won't cry tomorrow."

We come then, it seems to me, back to our original conclusion: that the man who swears to support the Constitution, swears to support the whole of it, pro-slavery clauses and all,—that he swears to support it *as it is*, not as it hereafter may become,—that he swears to support it in the sense given to it by the Courts and the Nation, not as he chooses to understand it,—and that the Courts and the Nation expect such an one in office to do his share toward the suppression of slave, as well as other, insurrections, and to aid the return of fugitive slaves. After an *abolitionist* has taken such an oath, or by his vote sent another to take it for him, I do not see how he can look his own principles in the face.

Thou that preachest a man should not steal, dost thou lie?

We who call upon the slaveholder to do right, no matter what the consequences or the cost, are certainly bound to look well to our own example. At least we can hardly expect to win the master to do justice by *setting him an example of perjury*. It is almost an insult in an abolitionist, while not willing to sacrifice even a petty ballot for his principles, to demand of the slaveholder that he give up wealth, home, old prejudices and social position at their call.

EXTRACTS FROM J. Q. ADAMS.

The benefits of the Constitution of the United States, were the restoration of credit and reputation, to the country—the revival of commerce, navigation, and ship building—the acquisition of the means of discharging the debts of the Revolution, and the protection and encouragement of the infant and drooping manufactures of the country. All this, however, as is now well ascertained, was insufficient to propitiate the rulers of the Southern States to the adoption of the Constitution. What they specially wanted was *protection.* Protection from the powerful and savage tribes of Indians within their borders, and who were harassing them with the most terrible of wars—and protection from their own negroes—protection from their insurrections—protection from their escape—protection even to the trade by which they were brought into this country—protection, shall I not blush to say, protection to the very bondage by which they were held. Yes! it cannot be denied—the slaveholding lords of the South prescribed, as a condition of their assent to the Constitution, three special provisions to secure the perpetuity of their dominion over their slaves. The first was the immunity for twenty years of preserving the African slave-trade; the second was the stipulation to surrender fugitive slaves—an engagement positively prohibited by the laws of God, delivered from Sinai; and thirdly, the exaction, fatal to the principles of popular representation, of a representation for slaves—for articles of merchandise, under the name of persons. * * *

In outward show, it is a representation of persons in bondage; in fact, it is a representation of their masters,—the oppressor representing the oppressed.—Is it in the compass of human imagination to devise a more perfect exemplification of the art of committing the lamb to the tender custody of the wolf?—The representative is thus constituted, not the friend, agent and trustee of the person whom he represents, but the most inveterate of his foes. * * To call government thus constituted a democracy, is to insult the understanding of mankind. * * It is doubly tainted with the infection of riches and of slavery. *There is no name in the language of national jurisprudence that can define it*—no model in the records of ancient history, or in the political theories of Aristotle, with which it can be likened. * * Here is one class of men, consisting of not more than one-fortieth part of the whole people, not more than one-thirtieth part of the free population, exclusively devoted to their personal interests identified with their own as slaveholders of the same associated wealth, and wielding by their votes, upon every question of government or of public policy, two-fifths of the whole power of the House. In the Senate of the Union, the proportion of the slaveholding power is yet greater. * * Its operation upon the government of the nation is, to establish an

artificial majority in the slave representation over that of the free people, in the American Congress, and thereby to make the PRESERVATION, PROPAGATION, AND PERPETUATION OF SLAVERY THE VITAL AND ANIMATING SPIRIT OF THE NATIONAL GOVERNMENT.—The result is seen in the fact that, at this day, the President of the United States, the President of the Senate, the Speaker of the House of Representatives, and five out of nine of the Judges of the Supreme Judicial Courts of the United States, are not only citizens of slaveholding States, but individual slaveholders themselves. So are, and constantly have been, with scarcely an exception, all the members of both Houses of Congress from the slaveholding States; and so are, in immensely disproportionate numbers, the commanding officers of the army and navy; the officers of the customs; the registers and receivers of the land offices, and the post-masters throughout the slaveholding States. * * *

Fellow-citizens,—with a body of men thus composed, for legislators and executors of the laws, what will, what must be, what has been your legislation? The numbers of freemen constituting your nation are much greater than those of the slaveholding States, bond and free. You have at least three-fifths of the whole population of the Union. Your influence on the legislation and the administration of the Government ought to be in the proportion of three to two. But how stands the fact? Besides the legitimate portion of influence exercised by the slaveholding States by the measure of their numbers, here is an intrusive influence in every department, by a representation, nominally of persons, but really of property, ostensibly of slaves, but effectively of their masters, overbalancing your superiority of numbers, adding two-fifths of supplementary power to the two-fifths fairly secured to them by the compact, CONTROLLING AND OVERRULING THE WHOLE ACTION OF YOUR GOVERNMENT AT HOME AND ABROAD, and warping it to the sordid private interest and oppressive policy of 300,000 owners of slaves. * * *

In the Articles of Confederation, there was no guaranty for the property of the slaveholder—no double representation of him in the Federal councils—no power of taxation—no stipulation for the recovery of fugitive slaves. But when the powers of *government* came to be delegated to the Union, the South—that is, South Carolina and Georgia—refused their subscription to the parchment, till it should be saturated with the infection of slavery, which no fumigation could purify, no quarantine could extinguish. The freemen of the North gave way, and the deadly venom of slavery was infused into the Constitution of freedom. Its first consequence has been to invert the first principle of Democracy, that the will of the majority shall rule the land. By means of the double representation, the minority command the whole, and a KNOT OF SLAVEHOLDERS GIVE THE LAW AND PRESCRIBE THE POLICY OF THE COUNTRY.

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